

FINAL BILL REPORT

SHB 2917

C 147 L 06

Synopsis as Enacted

Brief Description: Regarding accessory uses on agricultural lands.

Sponsors: By House Committee on Local Government (originally sponsored by Representatives P. Sullivan, Kristiansen, Simpson, Linville, Blake and Ericks; by request of Department of Agriculture).

House Committee on Local Government

Senate Committee on Agriculture & Rural Economic Development

Background:

Growth Management Act

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to, or have chosen to, comply with the major requirements of the GMA.

Regulation of Agricultural Lands

The GMA requires all local governments to designate agricultural, forest, and mineral resource lands of long-term significance. The GMA jurisdictions must also adopt development regulations to assure the conservation of these designated natural resource lands. "Agricultural land" is defined by the GMA, in part, to include land primarily devoted to the commercial production of specified products, such as horticultural, viticultural, floricultural, vegetable, or animal products. "Agricultural lands of long-term commercial significance" are characterized as those lands without urban growth characteristics and which have long-term significance for the commercial production of food or other agricultural products.

Innovative Zoning Techniques for Agricultural Lands of Long-Term Commercial Significance

In order to comply with GMA requirements, counties or cities may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Such zoning techniques should also encourage property owners to limit nonagricultural uses to lands with poor soil or that are otherwise ill-suited to agricultural uses. One of the authorized zoning designations is "agricultural zoning," which has the following characteristics:

- limits the density of development;

- restricts or prohibits nonfarm uses of agricultural land; and
- may allow certain *accessory uses* that support, promote, or sustain agricultural operations or production.

Accessory Uses of Agricultural Lands of Long-Term Commercial Significance

The accessory uses permitted under an agricultural zoning scheme must comply with the following criteria:

- implementation of such uses must not interfere with natural resource land uses;
- the uses must have a functional relationship to the growing of crops, or raising of animals;
- commercial or retail uses must be for the primary purpose of producing, storing, or selling regionally produced agricultural products or agriculturally-related experiences;
- commercial and retail uses must be for the primary purpose of selling products or services produced on-site; and
- the uses may operate out of existing or new buildings with parking and other related uses, provided that such uses are consistent with the size and scale of existing agricultural buildings on the site and do not otherwise convert agricultural land to nonagricultural uses.

Commercial or Retail Accessory Uses

Commercial or retail accessory uses which are compatible with agricultural uses may be permitted, and include the following:

- storage and refrigeration of regional agricultural products;
- production, sales, and marketing of regional, value-added agricultural products;
- supplemental sources of income that support and sustain on-farm agricultural operations;
- support services that facilitate the production and distribution of agricultural products; and
- off- farm and on-farm sales or marketing of predominately regional agricultural products and experiences, as well as locally made arts and crafts.

Summary:

Counties and cities are provided with greater flexibility with respect to the implementation of agricultural zoning schemes governing the use of agricultural lands of long-term commercial significance. This increased flexibility is accomplished through the removal of many specified restrictions on accessory uses and replacing them with more permissive general guidelines governing the types of accessory uses that may be conducted on designated agricultural lands. An example of this shift is the elimination of the requirement that accessory uses be functionally related to the growing of crops or raising of animals and replacing it with a more general standard requiring that such uses support the continuation of the agricultural use of the property and neighboring properties. In addition, the guidelines created by the act explicitly distinguish "agricultural accessory uses" from "nonagricultural accessory uses."

Authorized "agricultural accessory uses" may include, but are not limited to, the following:

- the storage, distribution, and marketing of regional agricultural products; and
- the production, marketing, and distribution of value-added agricultural products, including the support services necessary to facilitate these activities.

"Nonagricultural accessory uses" are permitted provided they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. However, nonagricultural accessory uses and related development may not: (1) be located outside the general area already developed for buildings and residential uses; or (2) convert more than one acre of agricultural land to nonagricultural uses.

The list of specifically authorized types of commercial or retail accessory uses is eliminated.

Votes on Final Passage:

House	98	0	
Senate	45	1	(Senate amended)
House	97	0	(House concurred)

Effective: June 7, 2006